

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

EDWIN CARRASQUILLO DIAZ
LORENZA ELFRIDA CORA SANTIAGO

DEBTORS

CASE NO 11-10699 MCF

CHAPTER 13

**DEBTORS' MOTION REQUESTING WAIVER OF FINANCIAL MANAGEMENT
COURSE REQUIREMENT FRBP 1007 (b)(7)**

TO THE HONORABLE COURT:

NOW COME, EDWIN CARRASQUILLO DIAZ, R.I.P., and LORENZA ELFRIDA CORA SANTIAGO, the Debtors, through the undersigned attorney, and very respectfully state and pray as follows:

1. The present Chapter 13 case was filed on December 16, 2011, 11 U.S.C. §§1301 *et seq.*
2. On April 26, 2017, the *Joint Debtor* Lorenza Elfrida Cora Santiago filed an informative motion to inform that *Debtor* Edwin Carrasquillo Diaz, passed away, Docket No. 80.
3. The *Debtor* Edwin Carrasquillo Diaz had not taken the post-petition credit counseling which is a requirement under 11 U.S.C. Section 1328(g)(1) and Rule 1007 (b)(7) of the Federal Rules of Bankruptcy Procedure.
4. Pursuant to 11 U.S.C. Section 109(h)(4) a request is hereby made to this Honorable Court to relieve the *Debtor* Edwin Carrasquillo Diaz from such requirement for reason of "disability", based on the death of the debtor. Rule 1016 of the Federal Rules of Bankruptcy Procedure.

5. In the case of *In re Henderson*, (2008 Bankr Court WD Tex) 2008 Bankr LEXIS 1490, the Estate of Chapter 7 debtor who died before he could satisfy post-petition counseling requirement won a waiver of that requirement based on a determination that said circumstances came within scope of the language in 11 U.S.C. Section 109(h)(4), relieving debtor from such requirement by reason of disability. *In re Henderson*, (2008 Bankr Court WD Tex) 2008 Bankr LEXIS 1490.

6. In the present case, the Debtor's illness and subsequent death, resulted in a "disability" whereby the Debtor could not satisfy the post-petition Financial Management Course requirement pursuant to Rule 1007(b)(7).

7. That the *Joint Debtor* Lorenza Elfrida Cora Santiago did take the Financial Management Instructional Course, having filed a certificate to that effect on August 25, 2017, Docket No. 130.

8. Therefore, a request is hereby submitted for a determination by the Court that such circumstances warrant a waiver of such requirement by reason of disability, in the above captioned Chapter 13 case. 11 U.S.C. 109(h)(4).

WHEREFORE, the *Joint Debtor* respectfully requests this Honorable Court order the entry of an Order waiving the post-petition credit counseling requirement or the *Financial Management Course* as to the *Debtor* Edwin Carrasquillo Diaz, by reason of disability, pursuant to 11 U.S.C. §109(h)(4).

NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST

Within fourteen (14) days after service as evidenced by the certification, any party against whom this motion requesting a waiver of the post-petition credit counseling requirement has been served, must file an objection or other appropriate response thereto with the Clerk's Office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the motion will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this motion was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification to: the US Trustee's Office; to the Chapter 13 Trustee, Alejandro Oliveras Rivera, Esq.; and to all CM/ECF participants; I also certify that a copy of this motion was sent via regular US Mail to the *Joint Debtor* Lorenza Elfrida Cora Santiago, HC 65 Box 4365 Patillas PR 00723; and to all creditors and parties in interest (CM/ECF non-participants) appearing in the master address list, hereby attached.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 25th day of August, 2017.

/s/Roberto Figueroa Carrasquillo
USDC #203614
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<p>Label Matrix for local noticing 0104-3 Case 11-10699-MCF13 District of Puerto Rico Old San Juan Fri Aug 25 11:36:55 AST 2017</p> <p>Banco Popular de Puerto Rico MORTGAGE SERVICING DEPARTMENT (762) PO BOX 362708 SAN JUAN, PR 00936-2708</p> <p>MAUNA COOP PO BOX 127 MAUNABO, PR 00707-0127</p> <p>(p)ORIENTAL BANK AND TRUST PO BOX 195115 SAN JUAN PR 00919-5115</p> <p>BANCO BILBAO VIZCAYA ARGENTARIA PO BOX 364745 SAN JUAN, PR 00936-4745</p> <p>BANCO POPULAR DE PUERTO RICO BANKRUPTCY DEPARTMENT PO BOX 366818 SAN JUAN PR 00936-6818</p> <p>COOP A/C MAUNABO PO BOX 127 MAUNABO, PR 00707-0127</p> <p>DORAL FINANCIAL 1451 FD ROOSEVELT AVE SAN JUAN, PR 00920-2717</p> <p>ISLAND FINANCE PO BOX 195369 SAN JUAN, PR 00919-5369</p> <p>Midland Funding LLC by American InfoSource LP as agent PO Box 4457 Houston, TX 77210-4457</p>	<p>BANCO BILBAO VIZCAYA ARGENTARIA PR PO BOX 364745 SAN JUAN, PR 00936-4745</p> <p>DORAL BANK PO BOX 70308 SAN JUAN, PR 00936-8308</p> <p>MIDLAND FUNDING LLC BY AMERICAN INFOSOURCE L ATTN DEPARTMENT 1 PO BOX 4457 HOUSTON, TX 77210-4457</p> <p>US Bankruptcy Court District of P.R. Jose V Toledo Fed Bldg & US Courthouse 300 Recinto Sur Street, Room 109 San Juan, PR 00901-1964</p> <p>BANCO BILBAO VIZCAYA ARGENTARIA PR ANGEL M. VAZQUEZ BAUZA PO BOX 191017 SAN JUAN PR 00919-1017</p> <p>Banco Popular de Puerto Rico-Mortgage Mortgage Servicing Department (762) P.O. Box 362708, San Juan PR 00936</p> <p>DEPARTMENT OF EDUCATION PO BOX 4169 GREENVILLE, TX 75403-4169</p> <p>DPTO DE TRANSPORTACION Y OBRAS PUBLICAS BOX 41269 SAN JUAN, PR 00940-1269</p> <p>JC PENNEY PO BOX 364788 SAN JUAN, PR 00936-4788</p> <p>Portfolio Investments II LLC c/o Recovery Management Systems Corporat 25 SE 2nd Avenue Suite 1120 Miami, FL 33131-1605</p>	<p>Banco Popular De Puerto Rico Mortgage Divisi P.O. Box 363507 San Juan, PR 00936-3507</p> <p>(p) JEFFERSON CAPITAL SYSTEMS LLC PO BOX 7999 SAINT CLOUD MN 56302-7999</p> <p>MIDLAND FUNDING LLC/RECOSER LLC 25 SE 2ND AVE STE 1120 MIAMI, FL 33131-1605</p> <p>ASOCIACION EMPLEADOS DE GOBIERNO DE PR PO BOX 364508 SAN JUAN, PR 00936-4508</p> <p>BANCO POPULAR DE PR PO BOX 364445 SAN JUAN, PR 00936-4445</p> <p>CLARO PO BOX 70366 SAN JUAN, PR 00936-8366</p> <p>DORAL BANK C/O REBECA CAQUIAS, ESQ. PO BOX 363507 SAN JUAN, PR 00936-3507</p> <p>GE Capital Retail Bank c/o Recovery Management Systems Corp 25 SE 2nd Ave Suite 1120 Miami FL 33131-1605</p> <p>MAUNA-COOP JUAN A SANTOS BERRIOS ESQ PO BOX 9102 HUMACAO PUERTO RICO 00792-9102</p> <p>Recovery Management Systems Corporation 25 S.E. 2nd Avenue, Suite 1120 Miami, FL 33131-1605</p>
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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

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End of Label Matrix
Mailable recipients 39
Bypassed recipients 0
Total 39